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**One Hundred Eighth Congress**  
**U.S. House of Representatives**  
**Select Committee on Homeland Security**  
**Washington, DC 20515**

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August 12, 2004

The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Secretary:

As you know, the Department of Energy's National Nuclear Security Administration (NNSA) is planning to ship approximately 140 kilograms of weapons-grade plutonium to France within the next several weeks. Because the United States currently lacks the capability, a French company will fabricate the plutonium into "lead test assemblies" for testing in nuclear power plants in North Carolina and South Carolina. This shipment is in preparation for the construction of facilities at DOE's Savannah River Site that will eventually convert 34 metric tons of U.S. plutonium into mixed plutonium-uranium oxide (MOX) fuel rods as part of DOE's efforts in parallel with Russia to dispose of excess plutonium from nuclear weapons.

I recognize the critical importance of disposing of excess fissile materials in the United States and Russia to international nuclear nonproliferation efforts. However, in the post-September 11<sup>th</sup> environment, it is also crucial to ensure that the transportation of special nuclear materials is adequately secured from theft or diversion by terrorists. The consequences of the theft of this plutonium—enough for over twenty nuclear weapons—would be catastrophic. Although the U.S. Nuclear Regulatory Commission (NRC) issued an export license to DOE certifying that the plutonium can be safely exported to France, I believe that the Congress and the public need complete assurance that the shipment will have adequate security.

For this reason, in late June, I requested that the U.S. Government Accountability Office (GAO) examine the security measures that are planned for the shipment within the United States, in transit across the Atlantic Ocean, and within France. I also requested that GAO examine the extent to which NNSA coordinated its planning with other federal agencies. GAO briefed my

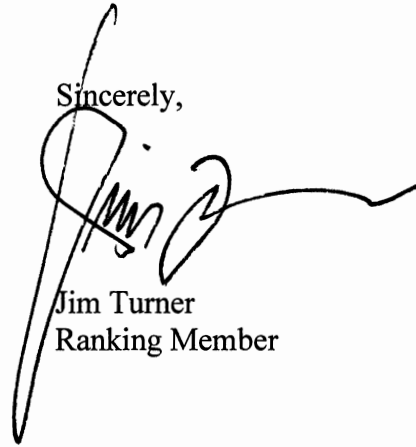
staff on these issues on August 10, 2004, and I would like to express my appreciation to your staff for the courtesy and cooperation they provided to GAO in carrying out this important task under the time constraints with which they had to work.

From the information provided to GAO for its briefing, it is clear that extensive security is planned for the shipment. However, I have some questions that I would appreciate answers to including:

1. In its export licensing proceeding, NRC denied petitions from several public interest groups, finding that the shipment would have adequate physical security. However, it appears that NRC did not perform an independent review of the security measures, relying instead on assurances provided by executive branch agencies that security would meet standards established by the International Atomic Energy Agency (IAEA). The executive branch, in turn, appears to have relied upon assurances provided by the governments of the United Kingdom and France that security would meet IAEA standards. To what extent was independent oversight and review (through, for example, development of vulnerability assessments, computer simulation and modeling, and/or performance of force-on-force testing) conducted to ensure that security not only met IAEA standards, but also would be equivalent to security provided to special nuclear material transported by DOE within the United States?
2. In the post September 11<sup>th</sup> security environment that we now live in, has your agency or other branches of the U. S. government developed or researched the need for different standards to be introduced for the licensing and shipment of special nuclear materials? If so, can you please provide my staff with an appropriate briefing on these initiatives?
3. For a 1993 shipment of 1.7 tons of plutonium oxide from France to Japan, the *Shikishima*—an armed escort ship from Japan's Maritime Safety Agency equipped with helicopters and speedboats—accompanied the transport ship on its journey. Although this shipment differs from the 1993 shipment because the transport ships have their own defensive equipment, was providing an armed escort ship from the U.S. military considered and, if not, why not?
4. Participation of the U.S. military and other federal agencies in this shipment is unclear from the time the vessels depart U.S. territorial waters. Will any U.S. officials accompany the shipment? To what extent is the United States relinquishing control over the plutonium once the material leaves the country? Who assumes liability in the event of an incident?
5. After the NRC issued its export license on June 15, 2004, the Department of Homeland Security raised the terror alert level to orange in Washington, D.C., and New York City. In addition, Greenpeace has advertised that it intends to conduct a protest demonstration against the shipment. Have there been any changes to security plans for this shipment as a result?
6. What were the costs incurred by the U.S. government for this shipment?

I appreciate you and your staff's assistance to obtain this information as we both work to ensure safe and secure transportation and disposition of nuclear materials. If you have any questions regarding this request, please contact John F. Sopko, Minority General Counsel and Chief of Investigations, of my staff at (202) 226-2616.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Turner", with a long horizontal flourish extending to the right.

Jim Turner  
Ranking Member